



Arkansas Department of Human Services

Division of Child Care and Early Childhood Education



State Pre-K (ABC) Unit

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Arkansas Better Chance/Arkansas Better Chance for School Success Program Update: January 23, 2012

Subject: Separation of Church and State

To: ABC Centers ABC Family Homes	From: Tonya Russell, Director Paige Cox, State Pre-K/ABC Program Administrator
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You may be aware of recent complaints that some Arkansas Better Chance/Arkansas Better Chance for School Success (ABC) Programs include religious activities. The Establishment Clause in the First Amendment to the U.S. Constitution prohibits public aid for religious worship or instruction. Court decisions interpreting the Establishment Clause make it clear that ABC materials must be neutral with respect to religion, and that no religious activity may occur during the ABC day. As a result, the Division of Child Care and Early Childhood Education must:

- 1) Monitor First Amendment compliance during regular licensing visits to providers receiving public funds; and
- 2) Respond to complaints of First Amendment violations.

Providers found to be out of compliance with the Establishment Clause will be given 30 days to correct all Constitutional violations or lose public funding, subject to appeal.

The Department of Education and the Department of Human Services have developed a proposed rule to provide guidance about the Constitutional prohibitions. Compliance with the proposed rule will assure that public funds are not used for any religious activity.

The proposed rule will take effect after notice and public comment as required by the Arkansas Administrative Procedure Act. A copy of the proposed rule and answers to frequently asked questions are attached.